

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 19, S. 16, an Inhofe/Toomey bill to cancel budgetary resources for fiscal year 2013.

Mitch McConnell, John Cornyn, Patrick J. Toomey, James M. Inhofe, Johnny Isakson, Richard Burr, John Thune, Tom Coburn, Jeff Sessions, Roger F. Wicker, Mike Johanns, Mike Crapo, Pat Roberts, Ron Johnson, James E. Risch, Jerry Moran, John Barrasso.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed on S. 16, a bill to provide for a sequester replacement, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 38, nays 62, as follows:

[Rollcall Vote No. 26 Leg.]

## YEAS—38

|           |              |           |
|-----------|--------------|-----------|
| Alexander | Enzi         | Murkowski |
| Barrasso  | Fischer      | Portman   |
| Baucus    | Flake        | Risch     |
| Blunt     | Grassley     | Roberts   |
| Boozman   | Hatch        | Scott     |
| Burr      | Hoeben       | Sessions  |
| Chambliss | Inhofe       | Shelby    |
| Coats     | Isakson      | Thune     |
| Coburn    | Johanns      | Toomey    |
| Cochran   | Johnson (WI) | Vitter    |
| Corker    | Kirk         | Warner    |
| Cornyn    | McConnell    | Wicker    |
| Crapo     | Moran        |           |

## NAYS—62

|            |              |             |
|------------|--------------|-------------|
| Ayotte     | Hagan        | Murphy      |
| Baldwin    | Harkin       | Murray      |
| Begich     | Heinrich     | Nelson      |
| Bennet     | Heitkamp     | Paul        |
| Blumenthal | Heller       | Pryor       |
| Boxer      | Hirono       | Reed        |
| Brown      | Johnson (SD) | Reid        |
| Cantwell   | Kaine        | Rockefeller |
| Cardin     | King         | Rubio       |
| Carper     | Klobuchar    | Sanders     |
| Casey      | Landrieu     | Schatz      |
| Collins    | Lautenberg   | Schumer     |
| Coons      | Leahy        | Shaheen     |
| Cowan      | Lee          | Stabenow    |
| Cruz       | Levin        | Tester      |
| Donnelly   | Manchin      | Udall (CO)  |
| Durbin     | McCain       | Udall (NM)  |
| Feinstein  | McCaskey     | Warren      |
| Franken    | Menendez     | Whitehouse  |
| Gillibrand | Merkley      | Wyden       |
| Graham     | Mikulski     |             |

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 62. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Under the previous order, the motion to proceed to S. 16 is withdrawn.

# AMERICAN FAMILY ECONOMIC PROTECTION ACT OF 2013—MOTION TO PROCEED—Continued

## CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 18, S. 388, a bill to appropriately limit sequestration, to eliminate tax loopholes, and for other purposes.

Harry Reid, Barbara A. Mikulski, Patty Murray, Sheldon Whitehouse, Mark Begich, Kirsten E. Gillibrand, Jack Reed, Sherrod Brown, Patrick J. Leahy, Robert P. Casey, Jr., Richard J. Durbin, Jeanne Shaheen, Richard Blumenthal, Benjamin L. Cardin, Charles E. Schumer, Barbara Boxer, Debbie Stabenow.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 388, a bill to appropriately limit sequestration, to eliminate tax loopholes, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 51, nays 49, as follows:

[Rollcall Vote No. 27 Leg.]

## YEAS—51

|            |              |             |
|------------|--------------|-------------|
| Baldwin    | Gillibrand   | Murphy      |
| Baucus     | Harkin       | Murray      |
| Begich     | Heinrich     | Nelson      |
| Bennet     | Heitkamp     | Reed        |
| Blumenthal | Hirono       | Rockefeller |
| Boxer      | Johnson (SD) | Sanders     |
| Brown      | Kaine        | Schatz      |
| Cantwell   | King         | Schumer     |
| Cardin     | Klobuchar    | Shaheen     |
| Carper     | Lautenberg   | Stabenow    |
| Casey      | Leahy        | Tester      |
| Coons      | Levin        | Udall (CO)  |
| Cowan      | Manchin      | Udall (NM)  |
| Donnelly   | McCaskey     | Warner      |
| Durbin     | Menendez     | Warren      |
| Feinstein  | Merkley      | Whitehouse  |
| Franken    | Mikulski     | Wyden       |

## NAYS—49

|           |              |           |
|-----------|--------------|-----------|
| Alexander | Flake        | Murkowski |
| Ayotte    | Graham       | Paul      |
| Barrasso  | Grassley     | Portman   |
| Blunt     | Hagan        | Pryor     |
| Boozman   | Hatch        | Reid      |
| Burr      | Heller       | Risch     |
| Chambliss | Hoeben       | Roberts   |
| Coats     | Inhofe       | Rubio     |
| Coburn    | Isakson      | Scott     |
| Cochran   | Johanns      | Sessions  |
| Collins   | Johnson (WI) | Shelby    |
| Corker    | Kirk         | Thune     |
| Cornyn    | Landrieu     | Toomey    |
| Crapo     | Lee          | Vitter    |
| Cruz      | McCain       | Wicker    |
| Enzi      | McConnell    |           |
| Fischer   | Moran        |           |

The PRESIDING OFFICER (Ms. WARREN). On this vote the yeas are 51, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Madam President, I enter a motion to reconsider the vote by which cloture was not invoked on my motion to proceed.

The PRESIDING OFFICER. The motion is entered.

The majority leader.

## MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we now proceed to a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MORAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CORPORATE JET LOOPHOLE

Mr. MORAN. Madam President, as we all know, our country faces tremendous fiscal challenges. We expect our President, our leaders, and those of us in Congress to engage in a meaningful and honest discussion about debt, deficits, and the direction of our Nation. Unfortunately, I think what Americans—certainly Kansans—are hearing from the White House and from some prominent Democrats is a relentless focus on political gimmicks to solve our problems.

An example of one of those is the so-called corporate jet loophole. We are focused on that instead of a serious plan to address the looming sequestration cuts that threaten to harm our economy. The President's fixation on corporate jets stands in direct contrast with his supposed desire to help the aviation industry and create jobs. Ending the accelerated depreciation schedule for general aviation aircraft will send hundreds if not thousands of hard-working Kansans straight to the unemployment line. My State is blessed with a significant number of people who work in the aviation industry.

This rhetoric is dangerous. It is certainly hypocritical. The 5-year depreciation schedule has been law for nearly a quarter of a century, and it was not created for the benefit of the "rich" or "wealthy" but was created for the benefit of the 1.2 million Americans who make a living building and servicing these airplanes. Accelerated depreciation helps spur manufacturing and creates jobs.

I am disappointed that the President continues his endless campaign to score political points rather than to work toward a real solution to solve our Nation's fiscal challenges. When 23 million Americans are looking for work, our government's first priority should be to create an environment where business can grow and hire additional workers. Increasing taxes on corporate jets and other general aviation aircraft sales will only further stifle economic recovery and result in additional job losses.

According to our Joint Committee on Taxation, closing the "loophole,"

would only generate \$3 billion in revenue over the next 10 years, less than the government borrows on a single day. Kansans in particular, along with the rest of rural America, would be negatively impacted by any change in the depreciation schedules for non-commercial aircraft. Farmers use general aviation aircraft to dust their crops, and rural small business owners rely on these planes to connect their businesses with the rest of the world. It makes no sense for a commercial jumbo jet liner to be depreciated on the same schedule as a farmer's air tractor.

This distinction between general and commercial aircraft is neither a loophole nor unique, as the 5-year depreciation schedule is applicable to many other depreciable transportation assets, such as cars and trucks. If the President wants Congress to review the depreciation periods associated with certain assets, then why single out one specific industry instead of taking a comprehensive approach? Because attacking corporate jets is apparently a nice political sound bite. But political sound bites don't solve our problems.

Because of the expiration of the Bush tax cuts on January 1 of this year, President Obama received \$600 billion in tax hikes to help fund his vision for government expansion. Yet less than 2 months later he is back on the campaign stump asking American taxpayers for more.

While the amount of revenue our government currently brings in is near historical averages, spending remains well above those historical norms and is projected to escalate dramatically in the years ahead. It is long past time to address the real problem with meaningful spending reductions, and every moment spent talking about corporate jet loopholes is a wasted moment.

Americans expect leadership from their elected officials here in Washington, DC. If we fail to take action now and leave it for a future President and a future Congress to solve, we will reduce the opportunities of the next generation to experience the country we know and love, and we will diminish the chance that every American has the chance to pursue the American dream.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent to speak for 15 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SEQUESTRATION

Mr. GRASSLEY. Madam President, the last 2 days in the debate here, a lot

has been said about the sequestration that presumably is going to happen tomorrow. I would like to speak on that subject because it is very important, particularly the history of sequestration and what has gone on here in recent weeks as we discuss this issue.

In August 2011 a compromise was reached to grant President Obama's request to raise the debt ceiling by \$2.1 trillion. I believe that was because we had a feeling that there ought to be a \$1 decrease in spending for every \$1 increase in the ceiling. So that adds up to \$2.1 trillion. In exchange for an increase in the debt ceiling, we Republicans in Congress asked for spending reductions. This all added up to the Budget Control Act passed on August 2, 2011. Decisions we are debating today were decided 18 months ago, so if you didn't like them in 18 months, you had an opportunity to change them. But here we are at the last minute talking about some changes.

The Budget Control Act of August 2, 2011, included budget caps to cut about \$900 billion in spending immediately—August 2, 2011—and then it set up a supercommittee to find at least \$1.2 trillion in additional deficit reduction. History shows that the supercommittee could not reach an agreement. So the failure of the supercommittee to reach an agreement led to the sequestration we are now debating and facing tomorrow, which is, as we know, automatic spending reductions of \$1.2 trillion over the next 10 years.

I didn't support the Budget Control Act. I don't criticize those who did, and to be fair, it was a bipartisan vote that got the Budget Control Act adopted. I knew at the time—and one of the reasons I voted against it—that the supercommittee was unlikely to reach an agreement and that it would ultimately only further delay difficult fiscal decisions that needed to be made. But at the end of the day the bipartisan majority in the Senate and the House passed and President Obama signed the Budget Control Act—a bill to bring about \$2.1 trillion in spending reductions over the next 10 years.

Most believe sequestration is a terrible way to reduce spending. I agree. There are surely better ways to reduce spending by the \$85 billion that is going to happen this year—of which, by the way, only \$44 billion is going to be spent between now and September 30.

When that is done, we are going to have a situation where every year there is going to be some decision made on whether to continue the \$1.2 trillion, and I hope for the good of the country that continues, whether it is by across-the-board automatic cuts or maybe there will be a compromise that can be reached to do it in a more studied way.

The Republican-led House of Representatives, soon after the 2011 decision, recognized that the automatic reductions weren't the best way to do it. So last year they passed two bills to reorganize those cuts in a more struc-

tured way. Did the Senate consider those two bills? No. The Democratic-led Senate produced or considered no bill prior to today to avert the sequester.

So I think it is fair to say that for the 18 months we could have been working together to find an agreement, nothing was done after the House of Representatives worked that agreement. Now we have all these crocodile tears flowing from the majority here in the Senate because of the terrible hardship this sequester may cause. Well, where have they been for the last 18 months? Why have they not proposed a single piece of legislation to avert sequestration until this very last minute? The two votes we just had today are an example.

Why has the Senate avoided regular order with such vigor? In other words, regular order—let the committees hold hearings; let the committees debate, amend, vote a bill out; let it come to the Senate floor; debate, amend, and vote it to a conference with the House of Representatives. But no regular order. Under regular order, you work to compromise. But the Senate failed to act after the House acted. So here we are at the eleventh hour to consider an alternative.

Just like their inability to produce a budget in nearly 4 years, this Senate majority has again failed to act. A budget is a very important part of fiscal discipline, but we haven't had a budget debate for 3 years even though the 1974 law requires us to have such debate and passage.

Tomorrow the President is going to meet with leaders in the Congress to see what can be done about sequestration, but why the very same day sequestration is taking place? What has the President been doing?

Well, we have seen him traveling around the country generating mass hysteria about what might happen—and wouldn't have had to do it if we had regular order here in the Senate in the meantime.

I would like to remind my colleagues that not only is the sequester a product that came from the White House, he explicitly pledged to veto a proposal to replace the cuts sometime when it was brought up in late 2011 and 2012. This is what the President said on November 2011:

Some in Congress are trying to undo these automatic spending cuts. My message to them is simple. No. I will veto any effort to get rid of those automatic spending cuts to domestic and defense spending. There will be no easy off-ramps on this one.

Now the President and the Democrats here in the Senate want us to agree to more tax hikes on the American people rather than to cut the \$3.6 trillion budget by just 2.4 percent, which they agreed to as part of the 2011 deal. Tax hikes were not included in that deal. They weren't included because we know that spending is the problem, not revenues.

The President must be absolutely frustrated. He apparently can't manage